

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Edward A. Hubbard Art Unit : 2152
Serial No. : 09/834,785 Examiner : Dalencourt, Yves
Filed : April 13, 2001 Conf. No. : 8392
Title : SOFTWARE-BASED NETWORK ATTACHED STORAGE SERVICES
HOSTED ON MASSIVELY DISTRIBUTED PARALLEL COMPUTING
NETWORKS

MAIL STOP PETITIONS

Attention: Tech Center 2152
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181(a), applicant hereby petitions to withdraw the Notice of Abandonment mailed December 26, 2006 (copy enclosed). The application was abandoned because the Patent and Trademark Office records indicate that the issue fee was not paid. The Notice of Allowance and Fee(s) Due was not received by the Attorney of Record.

The Notice of Abandonment was issued on December 26, 2007; this Petition is being timely filed prior to the February 26, 2007 two month due date.

1. The undersigned Attorney of Record states that the Notice of Allowance and Fee(s) Due was not received by the practitioner.

2. A search of the file jacket and docket records indicates that the Office communication was not received.

3. Attached as Exhibit A is a docket sheet dated April 28, 2006 showing that the Response to Supplemental Examiner's Answer was filed on April 13, 2006

4. Attached as Exhibit B is a docket sheet dated January 5, 2007 showing receipt and docketing of the Notice of Abandonment and confirming that the Notice of Allowance was not received.

5. The address to which the Notice of Allowance and Fee(s) Due was sent was an effective address for Winstead Sechrest & Minick at the time the document was mailed.

6. After transfer of this file to Fish & Richardson P.C., a copy of the Notice of Allowance and Fee(s) Due was retrieved from the public PAIR system.

7. Attached hereto is the Issue Fee Payment.
8. Attached hereto is a Change of Correspondence Address signed by the Attorney of Record.

Applicant hereby submits that the Notice of Allowance and Fee(s) Due was not received by the Attorney of Record. Pursuant to MPEP 711.03(c)(1)(A), all requirements for this Petition to Withdraw Holding of Abandonment have been met. Accordingly, Applicant requests that the Abandonment of this application be withdrawn. In order to expedite the issuance of this patent, Applicant has herewith paid the issue fee.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Feb. 23, 2007


Kelly K. Kordzik
Reg. No. 36,571

Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, Texas 75201
Telephone: 512.226.8148
Facsimile: 877.769.7945



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
ALICE COMPTON, DIRECTOR, PTO PATENTS
1000 D Street, NW, Washington, DC 20591-0001
www.uspto.gov

APPLICATION NO.	MAILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,785	04/13/2001	Edward A. Holland	UNTD-021	8392
2864	796	1202006	EXAMINER	
WINSTEAD SECKREST & MINICK P.C.			BALIBERD, TUES	
PO BOX 5074			ART UNIT	PAPER NUMBER
DALLAS, TX 75201			2157	
MAIL DATE		RECORDED/DOOR		
02/29/2001		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No. 09/834,785 Examiner DALENCOURT, YVES	Applicant(s) Edward A. Hubbard Art Unit 2157
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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.

(a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely Red Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.65(a) and 1.111. (See explanation in box 7 below).

(d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTO-85).

(a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTO-85).

(b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(c), is \$_____.

(c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file the corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(e)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

AG

Postpones to review under 37 CFR 1.137(b) or (b) or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

WINSTHEAD

Patent: 40988/P001P9, United States, Regular, National, Continuation-In-Part

Patent Data

Document Number	40988/P001P9	Attorney	Kathy K. Kondzik
Country	United States	Attorney 2	Richard Frankeny
Case Type	Regular	Attorney 3	
Creation Type	Continuation-In-Part	Agent	
Filing Date		Agent Ref No	
Filing Number	National	Client/Division	
Status	Paled	Owner/Proprietor	United Devices, Inc.
Sub Status		Previous Owner	United Devices, Inc.
Sub Status Date		Client Reference	
First Filing Date	3/30/2000	Client Reference2	UNTD: 021
Parent Country	United States	CPA Reference	UNTD: 021
Parent Number	09/538543	Inn CLAIMS/Designs	2
Parent Filing Date	3/30/2000	Total Claims	28
Parent Grant Date		Total Classes	
Application Number	09/634795	Confirmation Number	8892
Application Date	4/13/2001	Deed Date	5/12/2001
Publication Number		Recorded Date	7/25/2001
Publication Date		Reel/Frame	012064/0544
Patent Number		Effective Date	5/1/2001
Grant Date		File Location	Austin
Tax Base Date		Historic Date	
Next Tax Date		Assigned	Assignment Recorded
Expiration Date		Convention Type	

Title

Software-Based Network Attached Storage Services Hosted on Massively Distributed Parallel Computing Networks

Description

Supplemental IDS filed on 02/13/03, 06/10/03

Other Case-Related Information

Actions

Action	Action Due Date	Deadline Date	Completed Date	Action Notes	Responsible Atty #2	Responsible Atty #3
No Foreign Filing	4/13/2001		4/13/2001			
Works Of Missing Parts	7/14/2001		7/16/2001			
Mail D						
Additional Document Due	7/21/2001		7/11/2001	Wiling Receipt		
Assignment	7/16/2001		7/16/2001			
IDS Filed	12/18/2001		12/18/2001	Supplemental IDS filed on 02/13/03, 06/10/03		
Power of Attorney	6/13/2003		6/15/2003	PC dated 8/18/03 rec'd 8/25/03		
Additional Document Due	4/6/2004		12/10/2003	Status Inq. Resp. from PTO; Status Req. filed 10/16/03 PC dated 10/08/03 rec'd 10/20/03; Resp. states will be 15 months from this date before OA is rec'd		
Additional Document Due	6/18/2004		12/31/2003	Not of Accept of PPA filed 12/18/03; PC dated 12/23/03 rec'd 1/2/04		
1st Office Action Response First OA - Est.	8/3/2004		9/3/2004			
			1/3/2005	PC dated 1/6/05 rec'd 1/11/05		



Extension:

Final Rejection Post Date	4/20/2005	4/20/2005	
Response to previous examiner's a.	4/20/2005	7/18/2005	Claims 29-34 rejected
First rejection due	7/26/2005	7/18/2005	
Appeal due	7/26/2005	7/18/2005	PC dated 7/21/05 rec'd 7/27/05
Final rejection - 1st extension	8/20/2005	8/20/2005	
Appeal due - 1st extension	8/20/2005	8/20/2005	NOT FILED
Notice of Appeal	8/23/2005	8/25/2005	
Final rejection - 2nd extension	9/29/2005	8/25/2005	8/16/2005-Advisory Action
Appeal due - 2nd extension	9/29/2005	8/25/2005	PC dated 8/29/05 rec'd 9/9/05
Appeal brief	10/26/2005	9/22/2005	PC stamped 9/26/05; rec'd 10/3/05
Supplemental examiner's answer	12/16/2005	12/16/2005	
Supplemental reply brief	2/16/2006	2/16/2006	NOT FILED
Repl. Suppl. Examiner's Answer	3/14/2006	3/10/2006	EXTENDED
Additional Document Due	3/22/2006	12/16/2005	Examiner's Answer
Repl. Suppl. Examiner's Answer - 1st ext.	4/16/2006	4/13/2006	PC stamped 4/18/06; rec'd 4/28/06
Repl. Suppl. Examiner's Answer - 2nd ext.	5/16/2006	4/13/2006	
Repl. Suppl. Examiner's Answer - Final Decision	6/16/2006	4/13/2006	
Status Check/ Follow Up	10/13/2006		Repl to Suppl Examiner's Answer (edi: along OK)
			Richard Frankeny

Inventors:

Assignment Data: Inventor:
Hilberg, Edward A.

CreateUser: SC
CreateDate: 8/13/2003
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UpdateUser: IP_KT
UpdateDate: 4/28/2006



WINSTON &**Patent: 40988/P001P9, United States, Regular, National,
Continuation-in-Part****Patent Data**

ocket Number	40988/P001P9	Attorney	Richard Frankeny
Country	United States	Attorney 2	Robert A. Voigt, Jr.
Case Type	Regular	Attorney 3	
Continuation Type	Continuation-In-Part	Agent	
Filing Type	National	Agent Ref No	
Filing Number		Client/Division	United Devices, Inc.
Status	Pated	Owner/Prorietor	United Devices, Inc.
Sub Status		Previous Owner	
Sub Status Date		Client Reference 1	UNTD: 027
First Filing Date	3/30/2000	Client Reference 2	UNTD: 021
Parent Country	United States	CPO Reference	
Parent Filing Date	09/13/2004	Ind. Claims/Designs	2
Parent Filing Date	9/30/2000	Total Claims	28
Patent Grant Date		Total Classes	
Application Number	09/834785	Confirmation Number	8392
Application Date	4/13/2001	Deed Date	5/1/2001
Publication Number		Recorded Date	7/23/2001
Publication Date		Reel/Frame	011504/0544
Patent Number		Effective Date	5/1/2001
Grant Date		Filing Location	Austin
Ex Issue Date		Historic Date	
Next Filing Date		Assigned	
Expiration Date		Convention Type	Assignment Recorded

Title

Software-Based Network Attached Storage Services Hosted on Massively Distributed Parallel Computing Networks

Description

Supplemental IDS filed on 02/13/03, 06/10/03

Other Case-Related Information**Actions**

Action	Action Due Date	Deadline Date	Completed Date	Action Notes	Responsible Atty #2	Responsible Atty #3
No Foreign Filing	4/13/2003		4/13/2001			
Notice of Missing Parts	7/11/2001		7/18/2001			
Mail to:						
Additional Document Due	7/11/2003		7/11/2001	Filing Receipt		
Assignment	7/16/2001		7/16/2001			
IDS Filed	12/18/2001		12/18/2001	Supplemental IDS filed on 02/13/03, 06/10/03 PC dated 8/18/03 rec'd 8/23/03		
Power of Attorney	8/15/2003		8/15/2003	Status Inv. Resp. from PTO; Status Inv. filed 10/6/03 PC dated 10/10/03 rec'd 10/20/03; Resp. states will be 15 months from this date before OA is rec'd		
Additional Document Due	4/6/2004		12/10/2003			
Additional Document Due	8/18/2004					
Additional Document Due	6/18/2004		12/31/2003	Not. of Accept of POA filed 12/18/03; PC dated		



US Office Actions	9/3/2004	9/3/2004	12/12/03 rec'd 1/2/04
Response First OA - 1st letter due:	9/10/2005	1/3/2005	PC dated 1/6/05 rec'd 1/11/05
Final Rejection Mail Date	4/26/2005	4/26/2005	
Response to previous advisory +	6/7/2005	7/18/2005	Claims 29-54 rejected
Final rejection due	7/22/2005	7/18/2005	
Response due	7/26/2005	7/18/2005	PC dated 7/21/05 rec'd 7/27/05
Final rejection - 1st extension	8/20/2005	8/20/2005	
Appeal due - 1st extension	8/22/2005	8/20/2005	NOT FILED
Notice of Appeal	8/15/2005	8/15/2005	
Final rejection - 2nd extension	9/26/2005	8/15/2005	8/16/2005-Advisory Action
Appeal due - 2nd extension	9/30/2005	8/25/2005	PC dated 8/29/05 rec'd 9/9/05
Appeal Brief	10/25/2005	8/22/2005	PC stamped 9/26/05; rec'd 10/3/05.
Supplemental Examination: 12/16/2005		12/16/2005	
Supplemental reply brief	2/15/2006	2/16/2006	NOT FILED.
Resp Supp Examiner's Answer	3/16/2006	2/16/2006	EXTENDED.
Additional Document Due	3/12/2006	2/16/2006	Examiner's Answer
Resp Supp Examiner's Answer - 1st Ext	4/15/2006	4/13/2006	PC stamped 4/18/06; rec'd 4/28/06
Resp. supp. Examiner's Answer - 2nd ext	5/16/2006	4/13/2006	
Resp. Supp. Examiner's Answer - Final deadline	5/16/2006	4/13/2006	
Status Comm/ Follow Up	10/13/2006	2/26/2006	12/26/06 - Not of Abandonment rec'd for failure to pay issue fee; NDA issued on 7/25/06 rec'd in tracking. Resp to Supp Examiner's Answer filed; avg D.A. Failure to pay issue fee.
Status of abandonment	12/26/2006		
Petition to Reissue Due	2/26/2007	2/26/2006	

Comments:

Assignment Date: Inventor:

Autumn, Edward A.

CreateUser: SC
 CreateDate: 8/13/2003
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UpdateUser: IP_RT
 UpdateDate: 1/5/2007

